

United States District Court**EASTERN DISTRICT OF MICHIGAN-SD****UNITED STATES OF AMERICA****V.****JOHN JESSE AUITO**

(Name and Address of Defendant)

CRIMINAL COMPLAINT

CA

Case: 2:09-mj-30223

Judge: Unassigned,

Filed: 05-08-2009 At 10:19 AM

JOHN JESSE AUITO (LCB)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about October 2008 through April 2009 in Macomb county, in the Eastern District of Michigan-SE defendants(s) did, (Track Statutory Language of Offense)

While being a United States Postal Service employee, did embezzle the contents of mail, which had been mailed and came into his possession and entrusted to him, intended to be conveyed by mail and delivered through a Post Office of the United States.

in violation of Title 18 United States Code, Section(s) 1709.

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

May 08, 2009

Date

Mona K. Majzoub, Honorable U.S. Magistrate Judge

Name and Title of Judicial Officer

Linda Ann Martin
Signature of Complainant

at Detroit, Michigan

City of State

Mona K. Majzoub
Signature of Judicial Officer

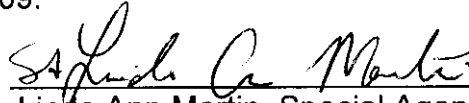
AFFIDAVIT

I, Linda Ann Martin, being duly sworn, depose and state:

1. I am a Special Agent employed by the U.S. Postal Service, Office of Inspector General (USPS/OIG), and have been so employed for approximately three years. Previously, I was a Postal Inspector with the U.S. Postal Inspection Service for approximately three and one half years. My primary responsibilities include investigating internal crimes, which involve the theft of mail by U.S. Postal Service employees. I know the following to be true from investigation and personal knowledge as well as from investigation by other federal agents.
2. The information set forth in this affidavit is for the limited purpose of establishing probable cause. This affidavit, therefore, may not include all of the information gathered during this investigation.
3. On or about January 14, 2009, your affiant was contacted by Royce Brown, Operations Specialist, USPS, Retail Operations. Brown informed that since September 30, 2008, there were three reported missing Priority Mail postage stamp shipments, sent from American Bank Note Company (ABN), located in Columbia, Tennessee, that were destined for Macomb, Michigan. ABN is under contract with the USPS to market and distribute postage stamps to over 1,100 retailers. ABN distributes the postage stamps to retailers via Priority and Express Mail. Brown informed that the combined postage stamp value for the three missing shipments was \$5,880.00.
4. During the period of January 2009 through April 2009, Brown reported an additional eight missing postage stamp shipments sent by ABN via Priority Mail. Each of the additional missing Priority Mail postage stamp shipments were destined for Clinton Township or Macomb, Michigan, and addressed to retailers located in zip codes 48038, 48342, 48044. Brown reported that the combined postage stamp value for the additional eight missing shipments was \$13,230.00, bringing the total postage stamp value loss of the eleven missing shipments to \$19,110.00.
5. Your affiant determined each of the above destination zip codes are serviced by the Clinton-Macomb Carrier Annex, located in Clinton Township, Michigan. Your affiant and other OIG agents conducted surveillance of mail operations in the applicable area during the period of reported losses.

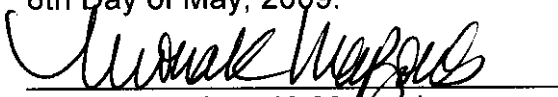
6. On April 30, 2009, while conducting surveillance at the Clinton-Macomb Carrier Annex, OIG agents had an ABN Priority parcel containing \$840 in postage stamps placed within the facility for monitoring purposes. On that date, OIG agents observed and obtained video of John Jesse Auito, Rural Carrier Associate, taking the above-described parcel from within a piece of postal equipment containing mail for Rural Route 21. Auito was then observed commingling the parcel with mail belonging to his assigned carrier route, Rural Route 1.
7. OIG agents maintained surveillance of Auito and observed him placing the parcel within his postal service issued vehicle and tampering with the parcel. Shortly after Auito departed the Clinton-Macomb Carrier Annex, with the parcel secreted inside of his postal vehicle, it was determined that Auito was enroute to his residence. OIG agents detained Auito at his postal vehicle, within the vicinity of his residence.
8. On April 30, 2009, your affiant and OIG Special Agent S.B. Sill interviewed John Jesse Auito. Prior to the interview Auito was advised of his Miranda Rights which he stated he understood and agreed to answer questions. Auito admitted to stealing all of the above-mentioned parcels. He stated he began taking the parcels around the end of September 2008 after he determined what was in the parcels when one accidentally broke open on another carrier's route.
9. Auito further stated that he began stealing the parcels because he was behind on his mortgage payments and was fearful that his home would be foreclosed on. Auito stated he monitored E-Bay auctions for the sale of postage stamps. He stated he would contact individuals through E-Bay that had lost the auctions and offer to sell them postage stamps at a discounted rate. He stated he would sell a half of brick of postage stamps (\$420 value) for between \$350 and \$370.
10. Auito stated the purchaser would agree to a selling price and send him a money order in his name to his residence. He stated he cashed each of the money orders and used the money to pay his mortgage payment. He stated he sold all of the postage stamps that he stole from the ABN Priority parcels and that he has no record of the sales. He stated he cashed all of the money orders and discarded the packaging from the stolen Priority Mail parcels in garbage cans located in various locations outside of his residence. Auito provided a sworn handwritten statement attesting to the above.

11. Based on the foregoing, there is probable cause that John Jesse Auito, while being a Postal Service employee, stole mail and the contents of mail entrusted to him, which was intended to be conveyed by mail and intended to be delivered by a Post Office of the United States in violation of U.S.C. 1709.



Linda Ann Martin, Special Agent, USPS-OIG

Subscribed and sworn to before me this
8th Day of May, 2009.



Honorable Monak K. Majzoub
U.S. Magistrate Judge